

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DON LIPPERT, )  
                        )  
Plaintiff,         )  
                        )  
v.                    ) No. 10-CV-4603  
                        )  
SALVADOR GODINEZ, PARTHA GHOSH,         )  
M.D., WILLARD ELYEA, JOSEPH                 )  
SSENFUMA, LOUIS SHICKER, QUENTIN         )  
TANNER, ADRIAN BACOT, LANEL                 )  
PALMER, ALPHONSO NORMAN,                 )  
MARTHA MALDONADO, LIPING ZHANG,         )  
M.D., GLORIA BRESKE, ATHENA                 )  
ROSSITER, ILLINOIS DEPARTMENT OF         )  
CORRECTIONS, and WEXFORD HEALTH         )  
SOURCES, INC.         )  
                        )  
Defendants.         )

**MOTION FOR ENTRY OF PROTECTIVE ORDER**

Defendants, by and through their counsel, Illinois Attorney General LISA MADIGAN, respectfully request this Court to enter a protective order to temporarily prevent the electronic filing of the Court-appointed expert report. As grounds therefore, Defendants state the following:

1. On April 16, 2015, the Court entered a minute order that reads in relevant part: "The Court also orders the parties to file the Court-appointed expert's report, after redacting identifying information about prisoners, on or before April 30, 2015." Doc. # 320 (emphasis added).
2. That same day, counsel for Plaintiff sent an e-mail to one of the Defendants' attorneys, Kevin Lovellette that reads: "Kevin – I assume the task of preparing a redacted version of Dr. Shansky's report probably falls on the plaintiffs' counsel,

since we were the ones who argued it should be made public pursuant to the Agreed Order Appointing Expert. We've started work on a redacted version of the report but probably won't be able to file it for a week or so. There are some inmate numbers in the text and names as well as numbers in the appendices, so it takes a little work to redact all of that.

BSW.” *E-mail correspondence between*

*undersigned counsel and counsel for Plaintiff*, attached as Exhibit A.

3. April 16 was a Thursday and the following week would have ended on Friday, April 24.
  4. Based upon the Court's order, undersigned counsel was under the belief that Plaintiff was to confer regarding the redaction before it was filed. Having not heard from Plaintiff, despite the fact that Plaintiff's counsel indicated that it would apparently take "a week or so," undersigned contacted Plaintiff counsel via e-mail the following Monday, April 27. That e-mail reads: "Counsel, Do you have a redacted version for us to review? Before it is filed, we need to review it so that no confidential information is filed. In the alternative, we can have a conference if you would like to discuss." *Ibid.*
  5. In response, Plaintiff counsel wrote: "Thor – It's attached. We hadn't heard from any of you so assumed we would just file it. Please let me know right away if there's anything in it that raises a problem. We plan to file it soon. BSW." *Ibid.*
  6. Given the size of the document remaining (446 pages), undersigned counsel requested a two-week extension to review the document and have it reviewed by the Department of Corrections to determine whether any unredacted material presented any security issues. Undersigned wrote: "We will need additional time to review

your redactions. Given the number of eyes that need to see it, we are going to ask for an additional two weeks to review for redactions. Please let me know your position regarding the two week extension request. As the Court's order requires "the parties" to file the report after redaction, it appears that the Court intended that we actually confer regarding redactions prior to it being filed." *Ibid.*

7. In response, Plaintiff counsel wrote: "Thor – I emailed your co-counsel eleven days ago explaining that unless I heard otherwise we would take care of the redactions and filing. You said nothing until this afternoon. I'm not going to wait two weeks for you to review this document. The judge ordered it filed this week, and we're going to do that. BSW." *Ibid.*
8. Given that Plaintiff counsel objects to additional time to review, Defendants seek a protective order to prevent the filing of the report for two weeks so that Defendants have an opportunity to review the redacted document.

WHEREFORE, for the foregoing reasons, Defendants respectfully request this Court to enter a protective order to prevent the filing of the court-appointed expert report for two weeks (up to and including May 14), and for such other and further relief as the Court deems proper.

Respectfully Submitted,  
LISA MADIGAN  
Attorney General of Illinois

/s/ Thor Y. Inouye  
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